

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 664-A
Case No. 91-19M/89-19C
(PUD Modification - Centerleg Freeway)
June 8, 1992

By Z.C. Order No. 664 dated June 11, 1990, the Zoning Commission for the District of Columbia approved an application of the District of Columbia Department of Housing and Community Development (DHCD) and the Washington Development Group (WDG). That application was for consolidated review and approval of a Planned Unit Development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The PUD site is property in the air space over the Centerleg Freeway, Interstate #395, is bounded by Massachusetts Avenue, and Second, Third and E Streets, N.W., and measures approximately 271,400 in area, of which 222,280 square feet shall be developed.

The PUD approval was for a deck built over the Centerleg Freeway (I-395) upon which a hotel structure, an apartment structure and three office structures shall be constructed. These structures will be linked by a pedestrian walkway and constitute a single building for zoning purposes.

The total floor area ratio (FAR) for the project shall not exceed 5.97, based on the site area of 271,400 square feet, of which 3.50 FAR shall be devoted to office, .19 FAR to retail, 1.72 FAR to hotel and apartments, and .56 FAR to parking. Lot occupancy shall not exceed 82 percent and shall not exceed a height of 130 feet as measured from the corner of Massachusetts Avenue and Second Street, N.W.

Pursuant to 11 DCMR 3028, Z.C. Order No. 664 became final and effective upon publication in the D.C. Register on July 20, 1990 (37 DCR 4782).

This instant application, which was filed on October 28, 1991, requested approval to a modification to Z.C. Order No. 664 at the monthly meeting of November 18, 1991 and without a public hearing.

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The applicant sought to modify the approved PUD in the design of the Office Buildings A and C at the Massachusetts Avenue end of the air rights project. The changes include the construction of a connecting glass atrium between Buildings A and C, the elimination of one floor between the two buildings and unifying floors 3 through 8, and the introduction of a 300 seat capacity auditorium at the podium level.

Pursuant to 11 DCMR 3003.5, the applicant certified that it served copies of its October 28, 1991 letter on the parties in the case; that is, Advisory Neighborhood Commission-2C and Georgetown University.

The Office of Planning (OP), in its preliminary report dated November 12, 1991, recommended that the application has sufficient merit for a public hearing. OP further stated the following:

"Given the complexity of the previously approved PUD for this project and the time and coordination it took to reach an agreement, any proposed modifications in this projects design must be carefully and comprehensively reviewed and evaluated." The importance of the proposal's impact on the overall quality of urban design along the Massachusetts Avenue frontage is paramount. Accordingly, public testimony on this application would be extremely beneficial."

Advisory Neighborhood Commission 2C (ANC), by letter dated November 13, 1991, voted to support the modification.

On November 18, 1991, at the regular meeting of the Zoning Commission, Lawrence White, university counsel for Georgetown University (GU) Law Center, withdrew a letter dated November 7, 1991 from Wilkes, Artis, Hedrick & Lane in opposition to approving modifications to Z.C. Order No. 664 without a hearing. Consequently, GU did not object to the application.

On November 18, 1991, the Zoning Commission determined that before it would consider approval of the modifications without a public hearing, it would require the applicant to revise the plans by redesigning the connection between Buildings A and C, constructing a model of the project with the connection, and producing a project that is sensitive to and in scale with the Massachusetts Avenue corridor. The Commission also requested OP to comment on the re-design in the form of a supplemental report.

By submission dated December 4, 1991, the applicant filed a revised design which featured a rotunda-like entrance to the Massachusetts Avenue elevation with setbacks of the atrium as it connected with Buildings A and C.

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By report dated December 4, 1991, OP indicated that meetings between the applicant's architect and the OP staff yielded a much improved design for linking the two buildings. OP further stated that by including some details related to the buildings and by eliminating some of the glass, the link becomes a far less intrusive connection on Massachusetts Avenue.

On December 9, 1991, at its regular monthly meeting, the Zoning Commission considered the aforementioned submissions and granted preliminary approval of the modification without a public hearing.

The Department of Housing and Community (DHCD), by letter dated November 6, 1991 (Exhibit No. 7), supported the modifications.

The District of Columbia Fire Department (DCFD), by letter dated October 31, 1991, supported the application and indicated that the developer has agreed to install sprinkles in each bathroom of each unit in the apartment portion of the project.

The Commission concurs with OP, ANC-2A, DCFD, and DHCD and believes that the modifications provide a superior design and adequately address the quality of urban design along the Massachusetts Avenue Corridor.

The Zoning Commission further believes that the proposed modifications are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for National Capital.

The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated May 28, 1992, finds that, subject to the guidelines, conditions and standards proposed by the Zoning Commission at its meeting on December 9, 1991, the modified PUD would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of a modification to Z.C. Order No. 664 without a public hearing, and specifically to the previously approved plans, subject to the following guidelines, conditions, and standards:

1. The PUD modifications shall be developed in accordance with the architectural plans of Kaplan McLaughlin Diaz, marked as Exhibit Nos. 20, 23 and 25 of the record, as modified by the guidelines, conditions and standards of this order.

2. Buildings A (East Tower) and C (West Tower) of the PUD air rights project shall be linked to connect floors three through eight between the two buildings. The second floor shall not be linked to provide for an atrium area at the lobby level. The ninth and tenth floors shall also not be linked.
3. The connection between Buildings A and C shall be in the form of a glass rotunda (atrium).
4. As shown on Exhibit Nos. 20, 23 and 25, the following applies:
 - a. The rotunda shall be setback eight (8) feet from the previous atrium location to the south from Massachusetts Avenue;
 - b. At a point where the sides of the rotunda meet Buildings A and C, the setbacks shall be twenty-four (24) feet; and
 - c. The overall setback of the entry from Massachusetts Avenue shall be forty-eight (48) feet.
5. The PUD shall include a one-story, twenty (20) feet high auditorium of approximately 5500 square feet and shall be located at the rear of the rotunda and extending out into the deck area at the rear of Building A.
6. No building permit shall be issued for the project until the applicant has recorded a PUD covenant in the land records of the District of Columbia, satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA), which covenant shall bind the applicant and successors in title to construct on and use this site in accordance with this order or any amendments thereof.
7. After recordation of said PUD covenant, the applicant shall immediately file a certified copy of the PUD covenant with the Office of Zoning for the record of the Zoning Commission.
8. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has satisfied condition nos. 6 and 7 of this order.
9. The PUD modification approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for building permit as specified in subsection 11 DCMR 2407.2.

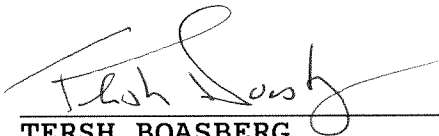
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and 2407.3 of the Zoning Regulations. Construction shall start within three years of the effective date of this Order.

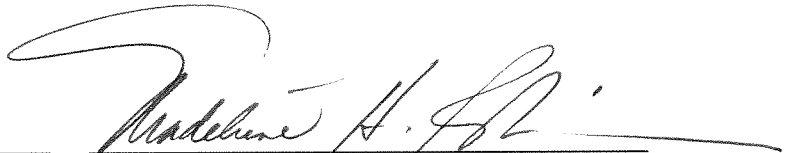
Vote of the Zoning Commission taken at the public meeting on December 9, 1991: 4-0 (John G. Parsons, Lloyd D. Smith, William L. Ensign and Maybelle Taylor Bennett, to approve without a public hearing - Tersh Boasberg, not voting having recused himself).

This order was adopted by the Zoning Commission at its public meeting held on June 8, 1992 by a vote of 3-0: (John G. Parsons, William L. Ensign and Lloyd D. Smith to approve, Maybelle Taylor Bennett, not present, not voting - Tersh Boasberg, not voting having recused himself).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; specifically on JUN 26 1992.



TERSH BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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